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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,539	09/22/2003	Ric S. Joranlien		9940

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EXAMINER

DUNN, DAVID R

ART UNIT PAPER NUMBER

3616

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,539

Applicant(s)

JORANLIEN, RIC S.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/22/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species I as shown in Figure 1; Species II as shown in Figure 2; Species III as shown in Figure 3; Species IV as shown in Figure 4; and Species V as shown in Figure 5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Ric Joranlien on June 21, 2005 a provisional election was made without traverse to prosecute the invention of Species I, claims 1-16 and 18. Affirmation of this election must be made by applicant in replying to this Office action. Claim 17 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

3. The disclosure is objected to because of the following informalities: the specification does not discuss the support leg or saddle being attached to the floor of the vehicle body (as recited in claims 9 and 12).

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "30" (as mentioned in page 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Zepnik et al.

(5,622,382).

Zepnik et al. discloses a rollbar apparatus for a vehicle body for protecting occupants of the vehicle body, the rollbar apparatus comprising: a hoop (18; see Figures 5 and 8) including an inner leg and an outer leg; a further hoop (19) spaced relative to the first hoop; the further hoop having inner and outer legs; the extremities of the inner legs are supported adjacent to the vehicle body; and a joining member (20) extending between the inner legs. The joining member is supported by the body and removably attached to the body (via 31 and 32). The joining member has upper (20) and lower members (25; see Figure 8).

7. Claims 1, 2, 6, 7, 10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-115662.

JP 11-115662 discloses a rollbar apparatus for a vehicle body for protecting occupants of the vehicle body, the rollbar apparatus comprising: a hoop (12; see Figures 1) including an inner leg and an outer leg; a further hoop (12) spaced relative to the first hoop; the further hoop having inner and outer legs; the extremities of the inner legs are supported adjacent to the vehicle body; and a joining member (11) extending between the inner legs. The joining member is supported by the body (on the sides). The apparatus includes a support leg (13) attached to the joining member and adjacent the inner legs; the support leg contacts the vehicle body.

Regarding claim 10, the apparatus includes a saddle (13) comprising legs located adjacent and other each side of the driveshaft tunnel (5). The hoop further includes a top portion with a hoop bracket (14) secured to the top portion of the hoop and extending to the vehicle body (see also Figure 2b).

8. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Just et al. (5,622,382).

Just et al. discloses a rollbar apparatus for a vehicle body for protecting occupants of the vehicle body, the rollbar apparatus comprising: a hoop (3; see Figures 1 and 2) including an inner leg and an outer leg; a further hoop (3) spaced relative to the first hoop; the further hoop having inner and outer legs; the extremities of the inner legs are supported adjacent to the vehicle body; and a joining member (12) extending between the inner legs. The joining member is removably attached to the vehicle body (see attachment points 11). The apparatus includes a support leg (17) attached to the joining member and removably attached to the vehicle.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8, 9, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-115662 in view of Notestine et al. (Re. 28,876).

JP 11-115662 is discussed above and fails to show the removable attachments.

Notestine et al. teaches a roll bar that is removably attachable to the vehicle (see column 1, lines 40-44: "bolted securement"). Notestine also teaches brace feet (12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify JP 11-115662 with the teachings of Notestine et al. to provide the roll bar with a removable attachment such that the roll bar could be removed as desired and to provide brace feet in order to better secure the brace to the vehicle.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zepnik et al. in view of Hobrecht (4,900,058).

Zepnik et al. is discussed above and fails to show the joining members being removably attached to each other.

Hobrecht teaches a roll bar with removably attached portions (see Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zepnik with the teachings of Hobrecht to provide the roll bar with a removably attachable joining members in order to be able to remove portions as desired.

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12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-115662 in view of Hobrecht (4,900,058).

JP 11-115662 is discussed above and fails to show the saddle being removable secured to the joining member.

Hobrecht teaches a roll bar with a saddle (30) that is removably attached (at 38; see Figure 2) to the roll bar.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify JP 11-115662 with the teachings of Hobrecht to provide the roll bar with a removable attachment to the saddle such that that portion of the roll bar could be removed if desired.

Allowable Subject Matter

13. Claim 18 is allowed.

14. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

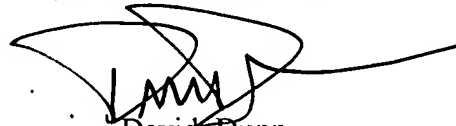
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neubrand shows a roll bar of interest. Zepnik et al. ('193) shows a similar rollbar.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal line extending to the right.

David Dunn
Primary Examiner
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